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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



U.S. Citizenship
and Immigration
Services

[REDACTED]

File: [REDACTED] Office: VERMONT SERVICE CENTER

Date:

JUN 28 2004

IN RE: Petitioner:

[REDACTED]

Beneficiary:


Petition: Immigrant Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

IN BEHALF OF PETITIONER:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

U.S. CITIZENSHIP AND IMMIGRATION SERVICES
JUN 28 2004
VERMONT SERVICE CENTER
100 N. MAIN ST. SUITE 200
BURLINGTON, VT 05401
(802) 241-2000

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is a church. It seeks to classify the beneficiary as a special immigrant religious worker pursuant to section 203(b)(4) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(4), to perform services as a piano accompanist. The director denied the petition on April 15, 2003.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, “[a]n officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.”

On the Form I-290B Notice of Appeal, filed on May 17, 2003, counsel indicated that a brief would be forthcoming within sixty days.

The statement on the appeal form reads:

[Appeal] based upon compelling/prevaling new evidence previously not available, and if considered, would reverse the Service’s decision.

Brief/statement to be submitted will include factual as well as legal basis/evidence in support of petitioner’s application herein.

To date, thirteen months later, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision. As counsel does not claim that any of the director’s findings are incorrect or based on an erroneous conclusion of law, counsel has failed to overcome the specific findings of the director. Further, in the absence of any allegation detailing specific errors made by the director as well as the failure to submit any further evidence, we cannot find that the petitioner’s submission qualifies as a substantive appeal.

Accordingly, the regulations mandate the summary dismissal of the appeal.

ORDER: The appeal is dismissed.